IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 3518 of 2005

Between:

Neti Rama Krishna S/o Panduranga Rao, aged about 38 years, Work Inspector Grade-III, Sri Durga Malleswara Swamy Varla Devasthanam, Indrakeeladri, Vijayawada, Krishna District

..... PETITIONER

AND

1 Sri Durga Malleswara Swamy Varla Devasthanam, Indra Keeladri, Vijayawada Krishna District, rep. by Executive Officer

2 The Commissioner, Endowments Department, Boggulakunta, Tilak Road, Hyderabad
3 V. Ravindranath Tagore S/o Panduranga rao, aged about 39 years, Draftsman Grade-II, Sri Durga Malleswara Swamy Varla Devasthanam, Indrakeeladri, Vijayawada Krsihna district
4 G.V. Prasad , S/o.not known, aged 57 years, Senior Assistant, Sri Durga Malleswara Varla Devasthanam, Indrakeeladri, Vijayawada, Krishna District
5 Ch. Durga Prasad S/o Venkata Rao, aged about 45 years, Personal Assistant to Executive Officer, Sri Durga Malleswara Swamy Varla Devasthanam, Indrakeeladri Vijayawada, Krishna District
6 M. Tirumaleswara Rao S/o Malliskarjuna Rao, aged about 44 years,
Sr. Assistant Sri Varha Lakshmi Narasimha swamy Vari Devasthanam, Simhachalam, Vizag., District
7 Amrutharao S/o. not known, aged about 44 years, Senior Assistant, Sri Durga Malleswara Swamy Varla Devasthanam, Indrakeeladri, Vijayawada, Krishna District
8 P. Chandra Sekhar, S/o. not known, aged about 42 years, Junior Assistant, Dri Durga Malleswara Swamy Varla Devasthanam, Indrakeeladri, Vijayawada, Krishna District
9 B. Venkata Reddy, S/o. not known, aged about 40 years, Superintendent, Sri Durga Malelswara Swamy Varla Devasthanam, Indrakeeladri, Vijayawada, Krishna District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent in issuing the impugned order in Rc. No. A1/451/2004, dt 11-2-2005 without touching the similarly placed persons like respondent no.3 to 9 as illegal void and hit by Art 14 of the Constitution of India after calling the records from the official respondents and consequently set a side the orders of the 1st respondent in Rc. No. A1/451/2004, dt 11-2-2005.

Counsel for the Petitioner: MR.N.GURU GOPAL

Counsel for the Respondent No.2: GP FOR ENDOWMENT

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the 1st respondent in passing the order, dated 11.2.2005 in RC.No.A1/451/2004 without touching the cases of similarly placed persons like 3rd to 9th respondents as arbitrary and illegal.

In pursuance of the audit objections raised by the A.A.O State Audit, a show cause notice was issued to the petitioner calling for his

explanation as to why he should not be re-backed to his original status of Record Assistant, within 15 days from the date of receipt of the show cause notice for taking further action. Challenging the same, this writ petition has been filed.

None appeared for the 1st respondent. Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments and perused the material available on record.

The learned counsel for the petitioner has contended that the cases of 4th to 6th respondents and others have not been touched and therefore, the impugned order suffers from arbitrariness.

As seen from the impugned proceedings, it is only a show cause notice calling for the explanation as to why the petitioner should not be revered to the original status of Record Assistant. The authority who issued this impugned notice is not under challenge. It is for the petitioner to give an explanation to the said memo whether he is liable for reversion or not. Whether the respondents 3 to 9 are similarly placed or not has to be taken into consideration by the 1st respondent in accordance with law.

Therefore, all the contentions raised in the writ petition are left open. Since the time for giving explanation is expired in view of the fact that the petitioner approached this Court, it is just and reasonable to grant two weeks' time from today for submitting his explanation to the 1st respondent-Executive Officer and thereafter, appropriate decision has to be taken by the Executive Officer in accordance with law.

With the above observation, the writ petition is disposed of. In the circumstances of the case, there shall be no order as to costs.

(K.C. BHANU, J.)

7th March, 2005

bcj

To

1 The Executive Officer, Sri Durga Malleswara Swamy Varla Devasthanam, Indra Keeladri, Vijayawada Krishna District,

2 The Commissioner, Endowments Department, Boggulakunta, Tilak Road, Hyderabad
3 Two C.Cs. to the Government Pleader for Endowments, High Court Buildings, Hyderabad (OUT)

4 Two C.D. copies

Note: Furnish copy by tomorrow

B/o

bcj